

IN RE: PETITION FOR SPECIAL EXCEPTION • BEFORE THE
OMW Reisterstown Road, 1610' SE • ZONING COMMISSIONER
of the c/l of Painters Mill Road • (9900 Reisterstown Road)
3rd Election District • OF BALTIMORE COUNTY
3rd Councilmanic District • Case No. 93-123-X
St. Thomas Joint Venture
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for Baltimore County as a Petition for Special Exception filed by the legal owners of the subject property, St. Thomas Joint Venture, by Herbert M. Bank, General Partner, and OMW Health and Fitness Inc., Contract Lessee. The Petitioners seek relief, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.), which permits community buildings or other structures devoted to recreational uses in B.L. zones by special exception. The Petitioners propose to use a portion of the subject property, zoned B.L., for a fitness center, including an athletic club, health spa, and health club, as more particularly described on Petitioner's Exhibit 1.

In addition to Herbert M. Bank, others appearing at the public hearing on behalf of the Petition were C. Victor Brick and Lynne G. Brick, principals of the corporate Lessee, and Paul Lee, Professional Engineer. The Petitioners were represented by Jay L. Lenrow, Esquire. There were no Protestants present.

Testimony indicated that the subject property, known as 9900 Reisterstown Road, consists of 11.3396 acres, more or less, zoned B.L. and is the site of an existing shopping center. The Center is owned and managed by St. Thomas Joint Venture. The Petitioners propose to establish a fitness center on the subject site in the area marked Parcel "A" on Peti-

tioner's Exhibit 1. Mr. Bank testified that the shopping center features a variety of tenants, including a Giant Food & Drug Store, three banks, and a number of retail and service oriented uses. Mr. Bank testified that he has discussed the proposed fitness center with many of his tenants. He indicated that those tenants unanimously support the project and in fact, four letters of support from other tenants were produced at the hearing. Mr. Bank noted that the subject site contains a good mix of diverse uses and that the proposed fitness center would fit nicely within this environment. He further noted that there was more than adequate parking on the site and that the proposed use would not create any traffic congestion in the surrounding locale. Mr. Bank also addressed each of the prongs set forth in Section 502.1 of the B.C.Z.R. and opined that the project was in compliance with each.

Also testifying on behalf of the Petition were C. Victor Brick and Lynne G. Brick, owners and operators of OMW Health and Fitness, Inc., the corporation which will operate the proposed fitness center. The Bricks currently operate two other fitness centers in the Baltimore Metropolitan area. These include the Padonia Fitness Center in Timonium, and a facility on Belvedere Avenue in Baltimore City. Mr. & Mrs. Brick are internationally recognized as experts in the fitness club business and each has extensive training, education and experience within the fitness profession. They described the proposed operation of the subject facility and testified that it will feature cross-training apparatus, aerobics, group programs, and strength training. The facility will be available for membership to women only and will provide a full range of fitness services for its clientele. Based upon Mr. & Mrs. Bricks' collective testimony, it

is clear that the subject use will provide a valuable service to the surrounding community.

Also testifying was Paul Lee, the professional engineer who prepared the site plan for the subject property. He noted the abundance of on-site parking and echoed Mr. Bank's testimony regarding the desirability of the proposed use and its compatibility with the other mix of tenants within the shopping center. Mr. Lee also noted that an aerobic dance studio is permitted as of right in a B.L. zone, however, a special exception is required in the instant case due to the variety of fitness programs to be offered at the subject facility.

It is clear that the B.C.Z.R. permits a fitness center in a B.L. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity, including the other tenants within this shopping center. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. Clearly, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. In fact, the use proposed will provide a positive impact on this community. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. See Schultz v. Pritts, 291 Md., 432 A.2d 1319 (1981).

Clearly, the standards of Section 502.1 have been satisfied. The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it is clear that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of December, 1992 that the Petition for Special Exception to permit a fitness center, including an athletic club, health spa, and health club, on the subject property, zoned B.L., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 12/10/92
By [Signature]

ORDER RECEIVED FOR FILING
Date 12/10/92
By [Signature]

ORDER RECEIVED FOR FILING
Date 12/10/92
By [Signature]

ORDER RECEIVED FOR FILING
Date 12/10/92
By [Signature]

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

December 2, 1992

(410) 887-4386

Jay L. Lenrow, Esquire
36 South Charles Street, Suite 1500
Baltimore, Maryland 21201-3020

RE: PETITION FOR SPECIAL EXCEPTION
SW/8 Reisterstown Road, 1610' NE of the c/l of Painters Mill Road
(9900 Reisterstown Road)
3rd Election District - 3rd Councilmanic District
St. Thomas Joint Venture - Petitioners
Case No. 93-123-X

Dear Mr. Lenrow:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File

Mr. & Mrs. C. Victor Brick
OMW Health & Fitness, Inc.
200 W. Padonia Road, Timonium, Md. 21093

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for A fitness center in a B.L. Zone. Fitness Center shall include an athletic club, health spa, and health club.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

EXHIBIT 1: LEGAL OWNER(S):

OMW Health & Fitness, Inc. Legal Owner(s): St. Thomas Joint Venture

By: [Signature] Herbert M. Bank, General Partner

Signature: C. Victor Brick, Vice President

200 West Padonia Road (Type or Print Name)

Timonium, Maryland 21093 (Type or Print Name)

City and State Signature

Attorney for Petitioner:

Jay L. Lenrow, Esquire C/S HARRY B. COOPER & ASSOCIATES

Address: Suite 1501, 201 North Charles Street

Baltimore, Maryland 21201

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Paul Lee

200 West Pennsylvania Avenue

Towson, MD 21204 410/821-5941

Address Phone No.



ESTIMATED LENGTH OF HEARING - 1/2HR. (410)
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: [Signature] DATE: 12/10/92

Paul Lee P.E.

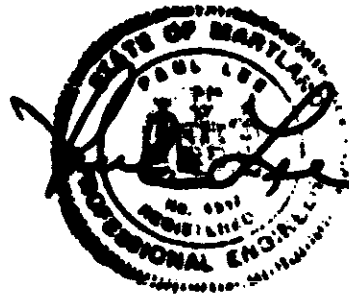
Paul Lee Engineering Inc.
505 W. Pennsylvania Ave.
Towson, Maryland 21204
410-821-5341

DESCRIPTION

ST. THOMAS SHOPPING CENTER
9900 REISTERSTOWN ROAD
ELECTION DISTRICT 3C3
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the southwest side of Reisterstown Road, said point also being located 1810 feet ± southeasterly from the center of Painters Mill Road, thence binding on the southwest side of Reisterstown Road (1) South 48°18'30" East 715.30 feet; thence leaving said southwest side of Reisterstown Road, (2) South 33°32'18" West 656.10 feet; thence (3) North 48°18'30" West 804.56 feet; and (4) North 41°41'30" East 650.00 feet to the southwest side of Reisterstown Road and said point of beginning.

Containing 11.3396 acres of land, more or less.



Engineers - Surveyors - Site Planners
J.O. #78016

#130

10/7/92

Paul Lee P.E.

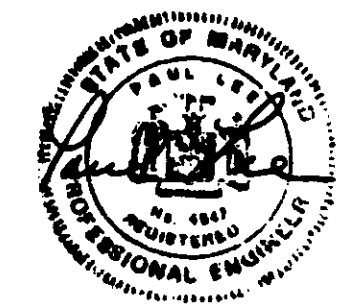
Paul Lee Engineering Inc.
505 W. Pennsylvania Ave.
Towson, Maryland 21204
410-821-5341

DESCRIPTION # 2

ST. THOMAS SHOPPING CENTER
9900 REISTERSTOWN ROAD
ELECTION DISTRICT 3C3
BALTIMORE COUNTY, MARYLAND
PARCEL A SPECIAL EXCEPTION

Beginning for the same at a point located at the intersection of the center of the existing partition wall between Stores 21 and 22 and the north wall of same, said point also being located southeasterly along the south side of Reisterstown Road 1810 feet ± from the center of Painters Mill Road and South 41°41'30" West 426 feet and South 48°18'30" East 68 feet, thence binding along the center of said partition wall between Stores 21 and 22 and continuing the same course to intersect the curb of the existing parking area, (1) South 41°41'30" West 214 feet, in all; thence binding along the existing curb (2) South 48°18'30" East 85 feet, thence leaving said existing curb, (3) North 41°41'30" East to and through the center of the existing partition wall between Stores 19 and 20 and continuing the same course in all 267 feet to the existing parking area, thence (4) South 48°18'30" East 20 feet, thence (5) North 41°41'30" East 99 feet, thence (6) North 48°18'30" West 125 feet, thence (7) South 41°41'30" West 99 feet, thence (8) South 48°18'30" East 20 feet, and (9) South 41°41'30" West 53 feet to the point of beginning.

Containing 35,070 square feet of land, more or less, and referred to as Parcel A.



Engineers - Surveyors - Site Planners

Revised
93-123-X, #130
MJK 10/10/92

J.O. #78016 10/28/92

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 33-4 Date of Posting: 11/1/92
Posted for: Special Exception
Petitioner: St. Thomas Joint Venture
Location of property: 800 Reisterstown Rd., 1810' SE of c/l Painters Mill Rd.
Location of Sign: Along Reisterstown Rd. on subject property
Remarks: _____
Posted by: [Signature] Date of return: 11/1/92
Number of Signs: 1

CERTIFICATE OF PUBLICATION

NOTICE OF ZONING COMMISSIONER'S HEARINGS

The Zoning Commission of Baltimore County by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property described herein in Room 109 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, on the following date:
Date: 9/23/92, Item 123
900 Reisterstown Road, 1810' SE of c/l Painters Mill Rd.
900 Reisterstown Road
St. Thomas Joint Venture
Petitioner(s): St. Thomas Joint Venture
Hearing: Tuesday, November 24, 1992 at 9:00 a.m. in Room 109, Office Building.
Special Exception for a fitness center.

TOWSON, MD., Oct. 29, 1992
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct. 29, 1992

THE JEFFERSONIAN,

S. Zeke Orkin
Publisher

receipt

Date: 10/14/92 Number: 19300180
PUBLIC HEARING FEES QTY PRICE
050 - SPECIAL EXCEPTION 1 X \$300.00
TOTAL: \$300.00
LAST NAME OF OWNER: ST THOMAS J V
04A04#0023M1CHRC \$300.00
BA 0003#00PM10-14-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

93-123-X-130

receipt

Date: 11/2/92 Number: 19300180
PUBLIC HEARING FEES QTY PRICE
050 - SPECIAL EXCEPTION 1 X \$300.00
TOTAL: \$300.00
LAST NAME OF OWNER: ST THOMAS J V
04A04#0023M1CHRC \$300.00
BA 0003#00PM10-14-92
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 11/2/92

OM Health & Fitness, Inc.
200 West Parkside Road
Timonium, Maryland 21093

RE:
CASE NUMBER: 93-123-X (Item 130)
800 Reisterstown Road, 1810' SE of c/l Painters Mill Road
900 Reisterstown Road
St. Thomas Joint Venture
3rd Election District - 3rd Councilmanic
Petitioner(s): St. Thomas Joint Venture
HEARING: TUESDAY, NOVEMBER 24, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 65.45 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl Jahn

ARNOLD JABLON
DIRECTOR

cc: Jay L. Lenrow, Esq.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353
OCT. 21 1992
NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property described herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the following date:
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-123-X (Item 130)
800 Reisterstown Road, 1810' SE of c/l Painters Mill Road
900 Reisterstown Road
St. Thomas Joint Venture
3rd Election District - 3rd Councilmanic
Petitioner(s): St. Thomas Joint Venture
HEARING: TUESDAY, NOVEMBER 24, 1992 at 9:00 a.m. in Rm. 106, Office Building.
Special Exception for a fitness center.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: St. Thomas Joint Venture
OM Health & Fitness, Inc.
Jay L. Lenrow, Esq.
Paul Lee

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353
November 17, 1992

Jay L. Lenrow, Esquire
76 South Charles Street STE 1500
Baltimore, MD 21201-3020

RE: Case No. 93-123-X, Item No. 130
Petitioner: St. Thomas Joint Venture
Petition for Special Exception

Dear Mr. Lenrow:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 15th day of October, 1992.

Carl Jahn
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richard Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: St. Thomas Joint Venture
Petitioner's Attorney: Jay L. Lenrow

Printed on Recycled Paper

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: Dennis A. Kennedy Date: 11/2/92

File Number	Waiver Number	Zoning Issue	Meeting Date
DED DEPRM RP STP TE	130		10/26/92
Perry Hall Square Partnership			
DED DEPRM RP STP TE	131		
Colleen M Kelly and Gary L. Pitts			
DED DEPRM RP STP TE	132		
Paul E. and Emily S. Abbott			
DED DEPRM RP STP TE	133		
COUNT 4			
Stonegate at Patapsco (Acreal Property)			
90476	TE (Waiting for developer to submit plans first)	6-1-92	
COUNT 1			
FINAL TOTALS			
COUNT 5			
*** END OF REPORT ***			

Rec'd 11/2/92

Maryland Department of Transportation
State Highway Administration
O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: +130 (MJK)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not necessitate a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David A. Ramsey 10/21/92
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: October 30, 1992

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: St. Thomas Shopping Center

INFORMATION:
Item Number: 130

Petitioner: Herbert M. Bank, St. Thomas Joint Venture

Property Size: 11.34 acres

Zoning: BL

Requested Action: Special Exception

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:
The petitioner is requesting a special exception for a fitness center in a BL zone.

The Office of Planning and Zoning has no comment on the petitioner's request for a fitness center.

The Office of Planning and Zoning recommends that the petitioner amend the site plan and petition form to show the exact location of the fitness center and demonstrate that the required parking is provided. The site plan and the petition form are requesting a fitness center for the entire shopping center instead of one of the vacant stores.

Prepared by: Frances Monney

Division Chief: Emory M. Daniel

ENC/D/PM: rdn

130.ZAC/ZAC1 Rec'd 11/2/92

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature: William F. P. P. Date: 11/02/92

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
York Stevenson Limited Partnership			121	10-19-92
RP TE		N/C		

COUNT 1

St. Thomas Joint Venture	130	10-26-92
DED DEPRM RP STP TE	N/C	
Perry Hall Square Partnership	131	
DED DEPRM RP STP TE	N/C	
Colleen M. Kelly and Gary L. Pitts	132	
DED DEPRM RP STP TE	N/C	
Paul E. and Emily S. Abbott	133	
DED DEPRM RP STP TE	N/C	

COUNT 4

Stonegate at Patapsco (Aerial Property)	6-1-92
90476 ZON DED TE (Waiting for developer to submit plans first)	

COUNT 1

FINAL TOTALS
COUNT 6

*** END OF REPORT ***

Rec'd 11/2/92

Department of Environmental Protection & Resource Management
Development Review Committee
Authorized signature: William F. P. P. Date: 11/09/92

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
Satyr Limited Partnership		115	10-13-92	
DEPRM			In process	
Wiseburg United Methodist Church		116		
DEPRM			In process	
Florence Wise Bruhl		119		
DEPRM			Written comments	
Cheryl Cronin		122	10-19-92	
DEPRM RP STP			In process	
Operating engineers Local No. 37		123		
DEPRM RP			Written comments	
Baltimore Gas And Electric Company		124		
DEPRM RP			Written comments	
St. Paul's Boy's and Girls school of St. Paul's Parish		125		
DEPRM RP			Written comments	
John Henry and Elaine Eleanor Baker		127		
DEPRM RP			In process	
Lewis Brooks Ramsey		128		
DEPRM RP			In process	
St. Thomas Joint Venture		130	10-26-92	
DEPRM RP			NO comments	
Perry Hall Square Partnership		131		
DEPRM RP STP			In process	

700 East Joppa Road Suite 901
Towson, MD 21204-5500

OCTOBER 21, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ST. THOMAS JOINT VENTURE
Location: SW/S REISTERSTOWN ROAD
Item No.: +130 (MJK) Zoning Agenda: OCTOBER 26, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Carl J. Papp
Planning Group
Special Inspection Division

JP/KEK

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(410) 887-4500

NOVEMBER 18, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

Gentlemen:

REVISED DESCRIPTIONS AND PLANS WERE RECEIVED FOR ITEM #130 (CASE #93-123-X) ON 10/30/92. (MJK)

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. THE FIRE PREVENTION BUREAU HAS NO COMMENTS AT THIS TIME.

REVIEWER: Carl J. Papp
Planning Group
Special Inspection Division

JP/KEK

- D. Storage and display of materials, vehicles and equipment are permitted in the front yard, but not more than 5 feet in front of the required front building line.
- E. In case any property line of a commercially zoned corner lot abuts a residential zone on a side street, no separate and distinct commercial use may be made of that portion of the lot which abuts on the side street unless a site plan for the entire corner lot as a commercial unit shall have been approved by the Baltimore County Office of Planning and the Baltimore County Division of Engineering, Department of Public Works. Any division of ownership of such lots shall be a subdivision and require approval of the Office of Planning, [B.C.Z.R., 1955; Resolution, November 21, 1956.]
- F. Where the requirements in Section 230.12 (A, B, or C) would create an undue hardship, the zoning commissioner may approve a modified plan upon petition and public hearing thereon.

230.13--Special Exceptions--The following uses when permitted as special exceptions (see Sections 270 and 502):

Animal boarding place, Class A. [Bill No. 85, 1967.]
Arcade, subject to the provisions of Section 423B. [Bill No. 29, 1982.]
Automotive-service station: subject to the provisions of Section 405. [Bills No. 40, 1967; No. 85, 1967.]
Boat yard. [Bills No. 64, 1963; No. 85, 1967.]
Car wash. [Bills No. 108, 1964; No. 85, 1967.]
Commercial beach; with provision of adequate parking area, and permitting dressing facilities, snack bar, picnic area, and boat rental. [Bills No. 64, 1963; No. 85, 1967.]
Community building, swimming pool, or other structural or land use devoted to civic, social, recreational, and educational activities. [Bills No. 64, 1963; No. 85, 1967; No. 26, 1988.]
Community care center. [Bill No. 91, 1974.]
Drive-in restaurant. [Bills No. 40, 1967; No. 85, 1967.]
Dry cleaning plant (see Section 416). [Bills No. 133, 1958; No. 85, 1967.]
Excavations, controlled (see Section 403).
["Filling station;" deleted by Bill No. 40, 1967.]
Funeral establishment, except that any funeral establishment which was a legal use immediately prior to this provision's taking effect and which has since remained continuously in operation is a conforming use, permitted

ZONING COMMISSIONER'S POLICY MANUAL

SECTION
230.13 SPECIAL EXCEPTION USES

OTHER RECREATION FACILITIES including one or several of the following uses:

COUNTRY CLUB
GYM
HANDBALL COURTS
HEALTH CLUB/SPA
RACQUETBALL COURTS
RELAXATION PARKS
TANNING FACILITY
TENNIS COURTS
WEIGHTLIFTING OR RESISTANCE EQUIPMENT
WHIRLPOOL SPA

See the following case: 83-151 XSPH

FUNERAL ESTABLISHMENT A crematorium is not allowed by right or by special exception in any zone, but is permitted by hearing as an accessory use to the principal use of a funeral establishment.

See the following cases: 71-243-X
85-003-SPH
90-156

SINGER TRAVEL INC.

November 11, 1992

Hon. Lawrence E. Schmidt
Zoning Commissioner of Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Special Exception Hearing for OWM Health & Fitness, Inc., T/A Lynne Brick's For Women, Case Number 93-123-X (Item 130)

Dear Mr. Schmidt:

I am the Executive Vice President of Singer Travel, Inc. which is located at 9944 Reisterstown Road in the St. Thomas Shopping Center. It has been brought to my attention that the owners of St. Thomas Shopping Center are seeking a Special Exception to permit the operation of a for women only health and fitness center at 9944 Reisterstown Road in the St. Thomas Shopping Center.

The purpose of this letter is to express my support of the proposed use. It is my opinion that the inclusion of a Lynne Brick's For Women fitness center in the St. Thomas Shopping Center would be an asset. I encourage you to act favorably on the requested Special Exception.

Please do not hesitate to communicate with me should you have any questions or concerns.

Sincerely yours,

Wendy Singer
Vickie D. Singer
Executive Vice President

VDS:m

cc: Jay L. Lenrow, Esquire
Goldman & Kohn, P.A.
36 South Charles Street
Fifteenth Floor
Baltimore, Maryland 21201-3020

RECEIVED
NOV 18 1992

ZONING OFFICE

1804 Reisterstown Road
St. Thomas Shopping Center
Owens Mills, MD 21117
(410) 383-3000
FAX (410) 383-2888

1912 Liberty Road
Edenburg, MD 21784
(410) 795-2500
FAX (410) 795-2502

LAW OFFICES
GOLDMAN & KOHN, P. A.
FIFTEENTH FLOOR
88 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-0080
(410) 547-1400
TELECOPIER (410) 547-9818

September 14, 1992

Arnold E. Jablon, Esquire
Director of Zoning Administration
& Development Management
Room 103
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Brick Bodies - Women's Health & Fitness,
Inc.

Dear Arnold:

We represent Lynn and Victor Brick who are currently negotiating to open several more "Lynn Brick's For Women" health and fitness clubs in Baltimore County. During the course of our review of the Baltimore County Zoning Regulations, it was unclear to us as to whether a health and fitness club offering aerobic exercise, circuit weight training, and exercise equipment was a permitted use as a matter of right in a BL Zone or a use permitted by special exception in a BL Zone. We would also like to know whether or not such a club would be a permitted use as a matter of right in a BM Zone.

In the event a special exception is required to place such a club in a BL Zone, please let me know how quickly we can apply for and get a hearing on a special exception.

Thank you for your assistance in this matter.

Sincerely yours,

Jay L. Lenrow
Jay L. Lenrow

JLL/ale

RECEIVED
SEP 16 1992
ZONING OFFICE

LAW OFFICES
GOLDMAN & KOHN, P. A.
FIFTEENTH FLOOR
88 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-0080
(410) 547-1400
TELECOPIER (410) 547-9818

October 26, 1992

Arnold E. Jablon, Esquire
Director of Zoning Administration
& Development Management
Baltimore County
Room 103
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Zoning Petition filed on behalf of St.
Thomas Joint Venture and OMW Health and
Fitness, Inc., Case No: 93-123-X (Item 130)

Dear Arnold:

This firm represents St. Thomas Joint Venture and OMW Health and Fitness, Inc. in their petition to allow a special exception for a fitness center in a BL Zone. We just received notice that this matter is to be heard on November 24, 1992. At the present time, I would like to request an expedited hearing based upon two grounds.

The first ground is that OMW Health and Fitness, Inc. is attempting to open this location by January or February which is the busiest time of year in their business. It will take at least 60 days to fit out the space and begin operations. The second ground is that I have a trial presently scheduled in the Circuit Court for Baltimore County which begins that same day. In light of this conflict, I think it reasonable that the Zoning hearing be advanced on the calendar if at all possible.

I thank you for your consideration of this request. Please do not hesitate to communicate with me should you have any questions or concerns.

Sincerely yours,

Jay L. Lenrow
Jay L. Lenrow

JLL/ale

RECEIVED
OCT 29 1992
ZONING OFFICE

10/30/92. Called Mr. Lenrow
1) Informed him impossible to
make up.
2) He does not want to
appeal

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

JAY L. LENROW
Lynne G. Brick
John Lee
HAROLD W. BARR
C. Victor Brick
36 South Charles St., Ste 1500, Baltimore 21201
2215 Dunwoody Rd Timonium, MD 21093
304 W. PENNA AVE 21204
41 Old Center Dr Owings Mills, MD 21117
2003 Pimlico Rd Towson, MD 21204

Lynne G. Brick, R. N.

Qualifications

International Aerobics and Fitness Consultant
International Aerobics Instructor Trainer
Health Club Owner
Professional Choreographer/Dancer
Radio and Television Personality
Newspaper Columnist
Registered Nurse

Experience

Appeared on Joe Franklin Show, national cable television talk show
Presenter in Argentina, Australia, Brazil, Canada, England, Germany, Italy, Japan, Mexico,
The Netherlands, Peru, Spain, Sweden
Solo Presenter at Athens Club in Marbella, Spain for Step Workshops
Presenter at Fitness Week Convention in Madonna Di Campiglio, Italy
1990 IDEA Fitness Instructor of the Year
Choreographer and Leader on Power Stepping Video
Choreographer and Leader on Pump 'N' Step Video
Choreographer and Leader on Lynne Brick's Total Body Workout Video
Keynote Speaker for Network '89 Fitness Leader Network Convention in Australia
Aerobics Consultant for the Aerobics and Fitness Association of America (AFAA)
Provider of Continuing Education for AFAA and the American Council on Exercise (ACE)
Featured Presenter on Creative Instructors Aerobics # 1005 Video
Regular Presenter at IDEA and AFAA National Conventions and Educational Conferences
Regular Presenter at IDEA State Conventions
Regular Presenter at RSA, The Association of Quality Clubs National Conventions
Conducts Aerobics Instructor Training Seminars and Workshops both Nationally and Internationally
Member of the Item Writing Committee for the ACE Certification Exam
Instructor Trainer for the National Handicapped Sports and Recreation Association (NHSRA)
Producer of How to Teach Aerobics, Principles and Techniques of Dance-Exercise Choreography
Author of the Aerobic Program Policy Manual
Maryland State Dance for Heart Chairperson
Host of National Children's Exercise Show, Kidercise
Co-Owner/Aerobic Director of the Padonia Fitness Center, rated one of America's top 25 gyms by Self magazine
Founder and President of Brick Bodies Fitness Services, Incorporated
Co-Owner, Manager and Aerobics Director of Lynne Brick's Women's Health and Fitness

Accomplishments

Fitness Spokesperson for Power Productions International
1990 IDEA Fitness Instructor of the Year
Keynote Speaker for Network '89 Fitness Leader Network Convention in Australia
Named as an Outstanding Woman Fitness Entrepreneur by Club Business Magazine
Received a Perfect 5.0 Rating from Shape Magazine for Aerobics Instructor Training Video, "How To Teach Aerobics"

Additional Related Experience

Aerobics Certification from ACE, Gold Certificate
Aerobics Certification from AFAA

Education

Bachelor of Science, Nursing, Towson State University, Towson, Maryland, Summa Cum Laude. Dance Company, Tennis Team

Brick
Bodies

Brick Bodies Fitness Services, Incorporated
200 West Padonia Road • Timonium • Maryland • 21093
(410)252-8058 • Fax (410)560-3299

C. Victor Brick, M. Ed.

Areas of Expertise

Health Club and Studio Consultant
Marketing
Promotions
Staff Management
Program Development
Facility Design
Exercise Physiology
Aerobics Instructor Training
Personal Training

Qualifications

Appeared on Joe Franklin Show, national cable television talk show
Presenter in Australia, Argentina, Canada, England, Germany, Japan, The Netherlands, Peru
1990 IDEA Fitness Businessperson of the Year
Executive Producer of Lynne Brick's Total Body Workout Video
Keynote Speaker for Network '89 Fitness Leader Network Convention in Australia
Chairman of the Small Club Council of IRSA, The Association of Quality Clubs
Regular Presenter at the International Dance Exercise Association (IDEA) National Conventions and Educational Conferences
Regular Presenter at the IRSA, The Association of Quality Clubs National Conventions
Member of the IDEA Foundation Accreditation Committee
Member of the IDEA Industry Awards Selection Committee
Member of the Mid-Atlantic Club Management Association (MACMA) Board of Directors
Provider of Continuing Education for the IDEA Foundation and the Aerobics and Fitness Association of America (AFAA)
Author of the Padonia Fitness Center Employee Policy Manual
Co-Author of the Aerobic Program Policy Manual & The Health Club Employee Policy Manual
Radio and Television Personality
Newspaper Columnist
Executive Director of Brick Bodies Fitness Services, Incorporated
Co-Owner/Manager of the Padonia Fitness Center, rated one of America's top 25 gyms by Self magazine.
Co-Owner of Lynne Brick's Women's Health and Fitness.

Professional Association Affiliations

International Dance Exercise Association (IDEA)
Aerobics and Fitness Association of America (AFAA)
American College of Sports Medicine (ACSM)
Association for Fitness in Business (AFB)
IRSA, The Association of Quality Clubs
Mid-Atlantic Club Management Association (MACMA)

Additional Related Experience

Aerobics Certification from the IDEA Foundation
Certified Professional Tennis Instructor
Former College Basketball Coach
Former College Physical Education Instructor

Education

Bachelor of Science, Towson State University, Towson, Maryland, Basketball, Track
Master of Education, Towson State University, Towson, Maryland

Brick
Bodies

Brick Bodies Fitness Services, Incorporated
200 West Padonia Road • Timonium • Maryland • 21093
(410)252-8058 • Fax (410)560-3299

PETITIONER'S
EXHIBIT No 3

SINGER TRAVEL INC.

November 11, 1992

Hon. Lawrence E. Schmidt
Zoning Commissioner of Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Special Exception Hearing for OMW Health
& Fitness, Inc., T/A Lynne Brick's For
Women, Case Number 93-123-X (Item 130)

Dear Mr. Schmidt:

I am the Executive Vice President of Singer Travel, Inc. which
is located at 9944 Reisterstown Road in the St. Thomas Shopping
Center. It has been brought to my attention that the owners of
St. Thomas Shopping Center are seeking a Special Exception
to permit the operation of a for women only health and fitness
center at 9944 Reisterstown Road in the St. Thomas Shopping
Center.

The purpose of this letter is to express my support of the
proposed use. It is my opinion that the inclusion of a Lynne
Brick's For Women fitness center in the St. Thomas Shopping
Center would be an asset. I encourage you to act favorably
on the requested Special Exception.

Please do not hesitate to communicate with me should you have
any questions or concerns.

Sincerely yours,

Vickie D. Singer
Executive Vice President

VDS:mf

cc: Jay L. Lenrow, Esquire
Goldman & Kohn, P.A.
36 South Charles Street
Fifteenth Floor
Baltimore, Maryland 21201-3020

PETITIONER'S
EXHIBIT 41

9944 Reisterstown Road
St. Thomas Shopping Center
Owings Mills, MD 21117
(410) 363-8160
FAX (410) 363-8161

1912 Liberty Road
Edersburg, MD 21764
(410) 795-2500
FAX (410) 795-2502

The Furniture & Design Center

November 11, 1992

Hon. Lawrence E. Schmidt
Zoning Commissioner of Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: SPECIAL EXCEPTION HEARING FOR OMW HEALTH & FITNESS,
INC. T/A LYNNE BRICK'S FOR WOMEN, CASE NUMBER 93-123-X
(ITEM 130)

Dear Mr. Schmidt:

I recently learned that the owners of the St. Thomas Shopping Center
in Owings Mills require a Special Exception to allow Lynne Brick's For Women
fitness center to be a tenant in the St. Thomas Shopping Center in Owings
Mills.

I feel that the Lynne Brick's health and fitness center will be a definite
asset to the shopping center and urge the County to act favorably on the request
for the Special Exception.

If I can help in any manner, please feel free to call me.

Sincerely,

THE FURNITURE & DESIGN CENTER

Betty L. Glomazza
President

cc: Jay L. Lenrow, Esquire
GOLDMAN & KOHN, P.A.
36 South Charles Street
Fifteenth Floor
Baltimore, Maryland 21201-3020

PETITIONER'S
EXHIBIT 43

9944 Reisterstown Road
St. Thomas Shopping Center
Owings Mills, Maryland 21117
(410) 363-8160
FAX (410) 363-8161

Hunan Restaurant of Owings Mills

November 11, 1992

Hon. Lawrence E. Schmidt
Zoning Commissioner of Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: SPECIAL EXCEPTION HEARING FOR OMW HEALTH & FITNESS,
INC. T/A LYNNE BRICK'S FOR WOMEN, CASE NUMBER 93-123-X
(ITEM 130)

Dear Mr. Schmidt:

I recently learned that Lynne Brick's For Women fitness center would like
to open up a studio in the St. Thomas Shopping Center in Owings Mills.

I understand that in order for Lynne Brick's to come in to the center, a Special
Exception permit must be obtained from Baltimore County.

I feel that the women's only fitness center will be a strong asset to the center
and the other merchants. I urge you to approve the Special Exception request.

If I can help or provide any additional comments, please don't hesitate to contact
me.

Sincerely yours,

HUNAN RESTAURANT OF OWINGS MILLS

Howard C. Hsu
President

cc: Jay L. Lenrow, Esquire
GOLDMAN & KOHN, P.A.
36 South Charles Street
Fifteenth Floor
Baltimore, Maryland 21201-3020

PETITIONER'S
EXHIBIT 46

NEW YORK CITY SHOES DISCOUNT WOMEN'S FOOTWEAR

St. Thomas Shopping Center
9944 Reisterstown Rd.
Owings Mills, Md. 21117
(301) 363-8450

Hochinger Square
7025 Security Blvd.
Baltimore, Md. 21207
(301) 944-1200

November 18, 1992

Hon. Lawrence E. Schmidt
Zoning Commissioner of Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: SPECIAL EXCEPTION HEARING FOR OMW HEALTH
& FITNESS, INC. T/A LYNNE BRICK'S FOR
WOMEN, CASE NUMBER 93-123-X (ITEM 130)

Dear Mr. Schmidt:

It has been brought to my attention that the owners of St. Thomas
Shopping Center are seeking a Special Exception to permit the operation of
a women only health and fitness center at the St. Thomas Shopping Center.

I am submitting this letter to express my support of the proposed use.
In my opinion the inclusion of a Lynne Brick's For Women fitness center in
the St. Thomas Shopping Center would be an asset to the other merchants.
Therefore, I strongly urge your approval on the requested Special Exception.

Should you have any questions or concerns, please do not hesitate to
call me.

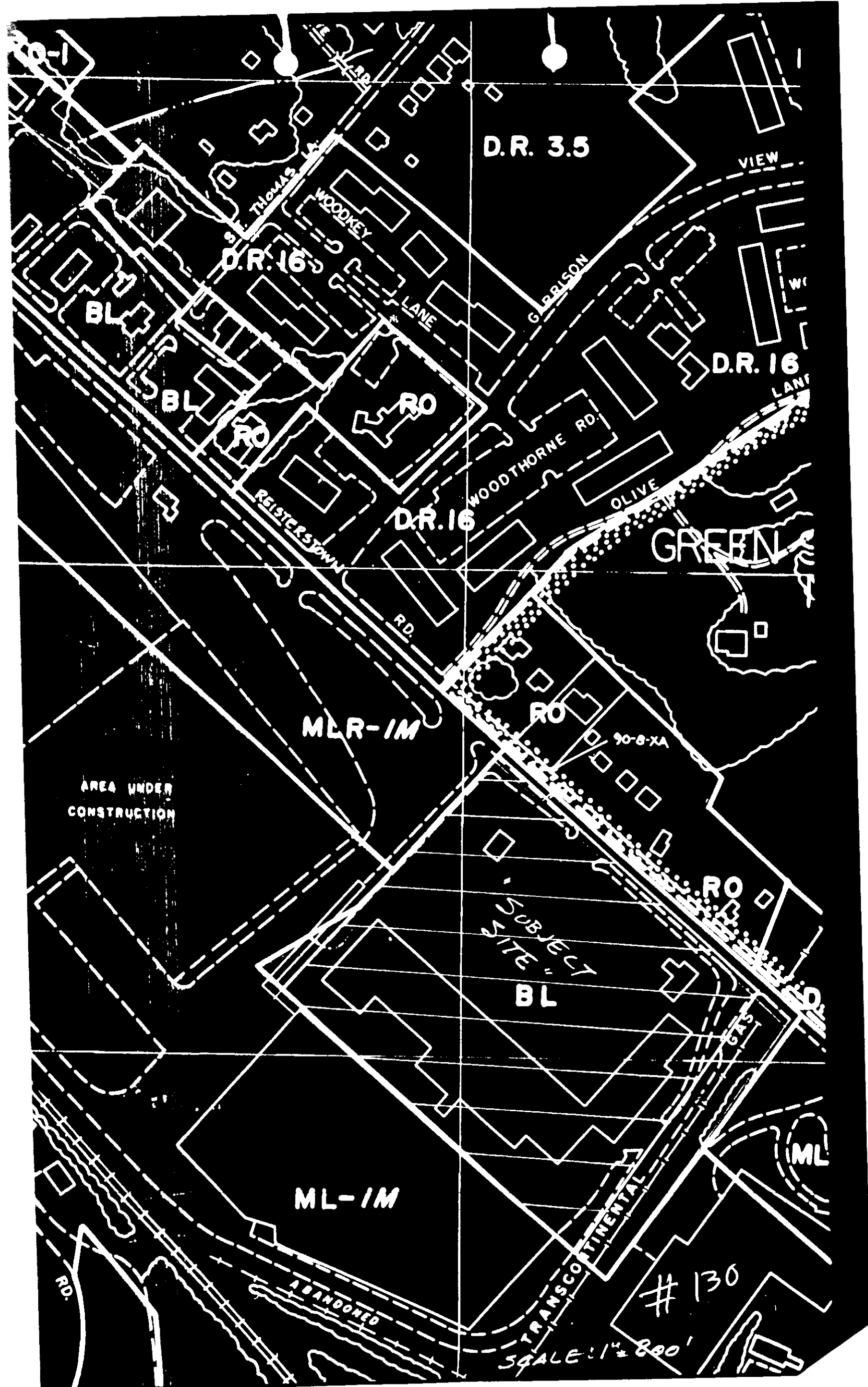
Cordially,

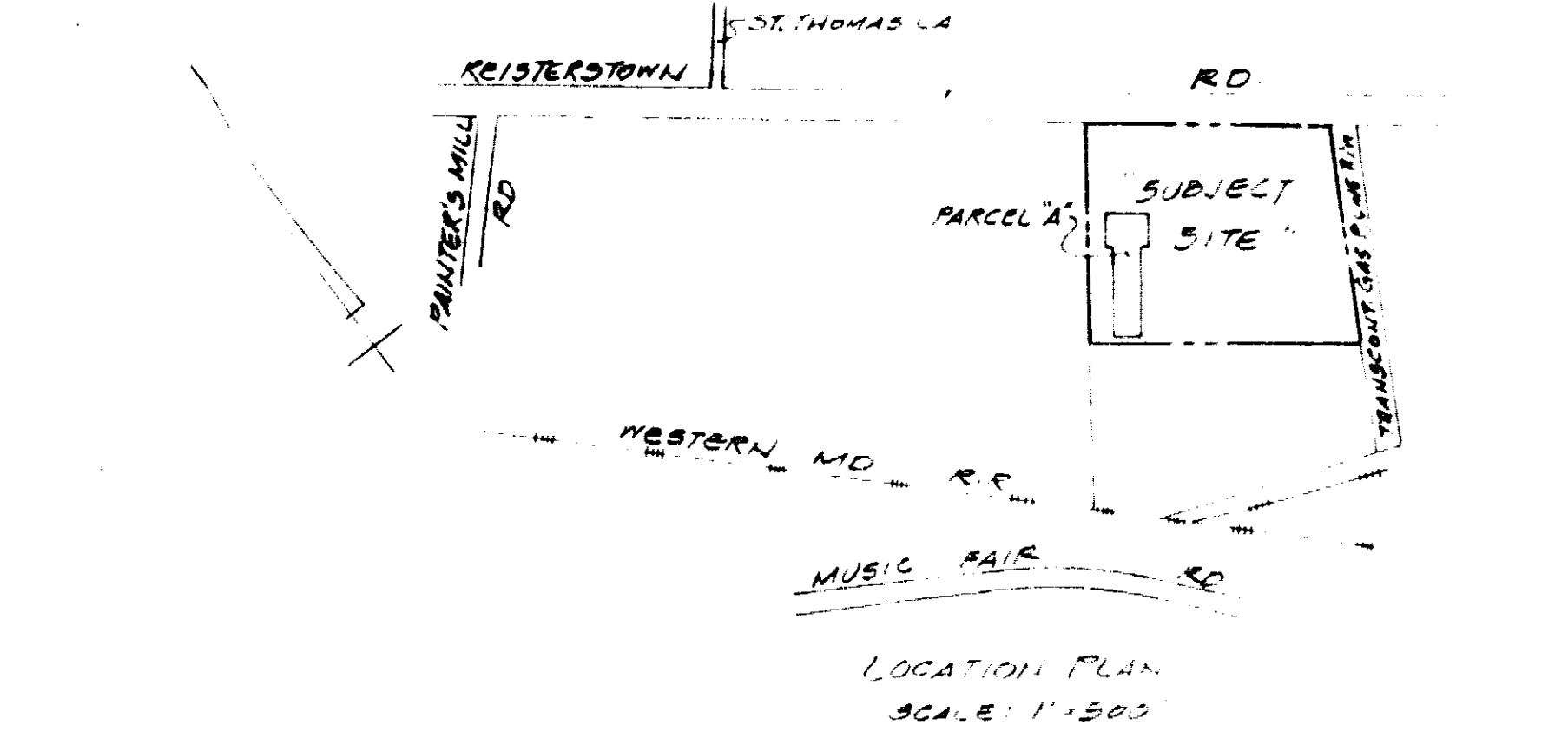
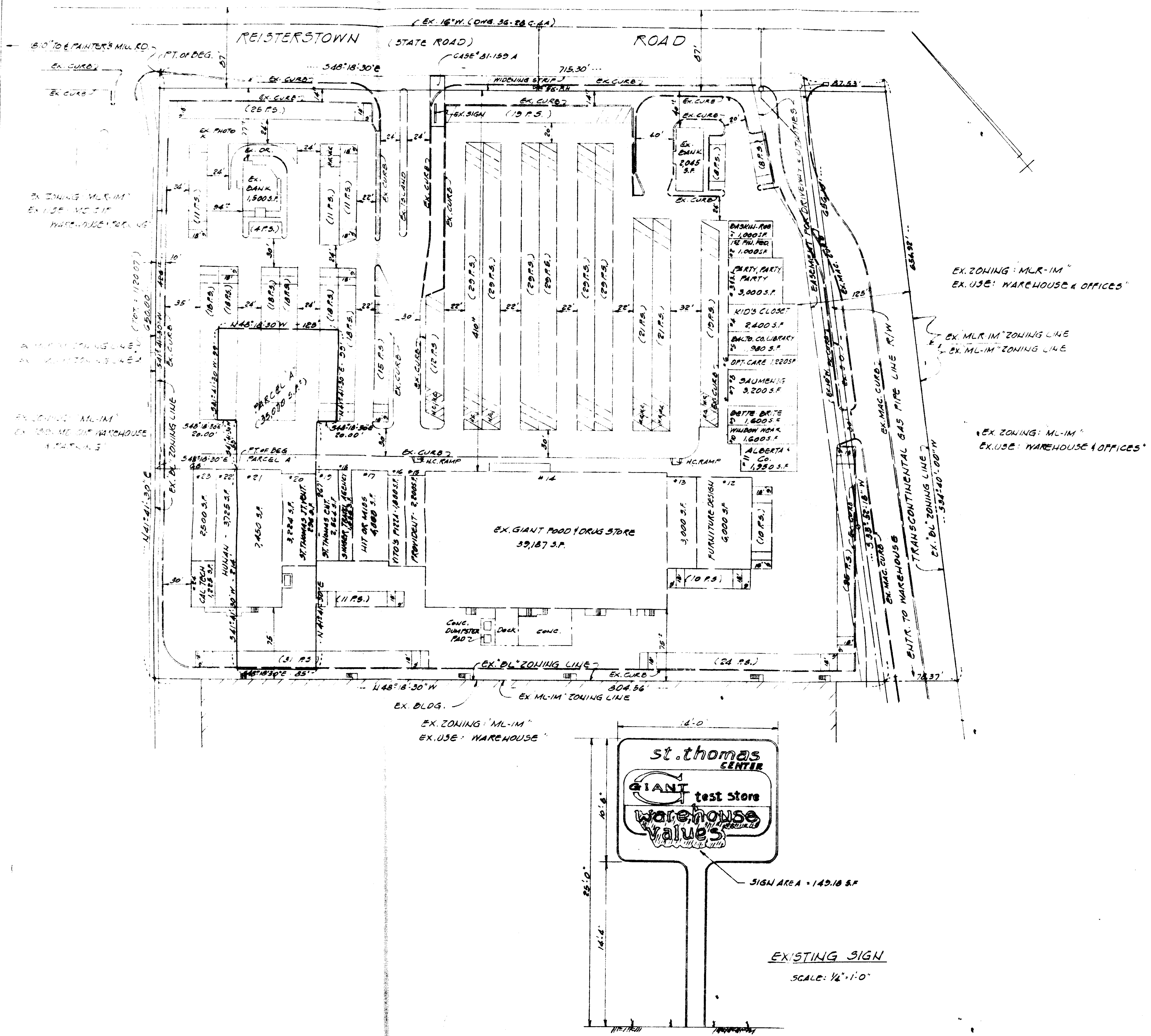
NEW YORK CITY SHOES

Gail Kandel
President

PETITIONER'S
EXHIBIT 42

cc: Jay L. Lenrow, Esquire
GOLDMAN & KOHN, P.A.
36 South Charles Street
Fifteenth Floor
Baltimore, Maryland 21201-3020





- GENERAL NOTES:**
1. AREA OF PROPERTY = 11,339 G.A. (PARCEL A: 35,070 S.F.)
 2. EXISTING ZONING OF PROPERTY = "BL"
 3. EXISTING USE OF PROPERTY = "SHOPPING CENTER"
 4. PROPOSED ZONING OF PROPERTY = "BL" w/ SPECIAL EXCEPTION
 5. PROPOSED USE OF PROPERTY = "SHOPPING CENTER"
 6. REQUESTED OFF-STREET PARKING:
 - EXISTING SHOPPING CENTER & BANKS = 10,102 S.F. (TOTAL)
 - RETAIL & BANKS = 30,428 S.F. @ 511,000 = 452 P.S.
 - FOOD HEALTH CLUB = 10,674 S.F. @ 1,000 = 534 P.S.
 - TOTAL P.S. REQ'D. = 505.5 P.S. + 506 P.S.
 - D. NUMBER OF PARKING SPACES SHOWN = 578 P.S.
 7. EXISTING SHOPPING CENTER WAS CONSTRUCTED PRIOR TO 1988
 8. PETITIONER REQUESTING A SPECIAL EXCEPTION FOR PARCEL A TO PERMIT A FITNESS CENTER (HEALTH CLUB) IN A "BL" ZONE
 9. PUBLIC UTILITIES EXISTING TO SITE
 10. "20" DENOTES BUILDING LINES

- ZONING HISTORY**
1. CASE "71-118R" - RECLASSIFIED FROM MLR-IM TO BL, NOV. 18, 1970.
 2. CASE "78-68R" - "MLR-IM MLR-IM TO BL", SEPT. 20, 1971.
 3. CASE "81-159A" - SIGN VARIANCE, GRANTED AUG. 17, 1982.

PETITIONER'S EXHIBIT No. 1

PLAT TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION
ST. THOMAS SHOPPING CENTER
2200 REISTERSTOWN ROAD
 ELEC. DIST. 3C3 BALTIMORE COUNTY, MD.
 OCT. 7, 1992
 OCT. 28, 1992

PAUL LEE ENGINEERING, INC.
 304 W. PENNSYLVANIA AVE.
 TOWSON, MARYLAND 21204

